

House bill No. 646, "An act to incorporate the Middle Texas Fair Association."

The Senate again went into committee of the whole on the school bill.

The committee of the whole rose, reported progress, and asked leave to sit again at 11:30 A. M. to-morrow.

On motion, the Senate adjourned till 10 o'clock to-morrow.

SENATE CHAMBER,

AUSTIN, TEXAS, April 9, 1873. }

Senate met pursuant to adjournment. Roll called; quorum present. Prayer by the chaplain.

Journal of yesterday read and adopted.

On motion of Senator Avinger, the reading of the journal of yesterday was dispensed with.

Senator Latimer presented the petition of S. F. Minton, which was referred to Committee on Private Land Claims.

Senator Henry presented the petition of R. S. Walker. Referred to Committee on Finance.

Senator Latimer, chairman of Committee on Enrolled Bills, submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: I beg leave to report that I did, on yesterday, at 11 o'clock A. M., present to his Excellency the Governor, for his signature and approval, Senate bill No. 96, "An act to amend an act entitled an act to incorporate the town of Bonham, in Fannin county, approved August 13, 1870."

H. R. LATIMER, Chairman.

Senator Finlay, chairman of Committee on State Affairs, reported as follows:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Judiciary No. 2, to whom was referred House bill No. 180, to be entitled "An act to define and regulate the punishment of theft," having carefully considered the same, I am instructed to report it back to the Senate, and recommend its passage.

GEO. P. FINLAY, Chairman.

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on State Affairs, to whom was

referred Senate bill No. 213, to be entitled "An act to incorporate the Steamship Wharf Company," having carefully considered the same, beg leave to report it back to the Senate and recommend its passage with the accompanying substitute to section two of said act:

"SEC. 2. That the business of said company shall be that of wharfingers; and the said company is hereby given full power and authority to construct one or more wharves in the city of Corpus Christi, extending from any water lot or lots of ground owned by said company, and which wharves may be extended out into Corpus Christi bay to the necessary depth of water; *provided*, such extension shall in no way impair any right heretofore and now vested in or conferred upon the city of Corpus Christi."

GEO. P. FINLAY, Chairman.

Also, reported as follows from Judiciary Committee No. 2:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Judiciary Committee No. 2, to whom was referred House bill No. 573, to be entitled "An act to validate the election held in the town of Crockett, Houston county," having carefully considered the same, I am instructed to report it back to the Senate and recommend its passage.

GEO. P. FINLAY, Chairman.

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred House bill No. 443, to be entitled "An act to incorporate the town of Cuero, in DeWitt county," having carefully considered the same, I am instructed to report it back to the Senate and recommend its passage, with the following amendments:

Amend section seven by striking out the word "persons," wherever it occurs, and inserting the word "occupations."

Amend by striking out section twelve.

Amend section fifteen, line two, by striking out the word "May" and inserting the word "June."

Amend section seventeen so as hereafter to read as follows: "SEC. 17. An annual election shall be held for the officers provided for in this act on the first Monday in June of each year, in such manner and upon such notice as may be prescribed by the mayor and aldermen."

Amend by adding as follows: "SEC. 18. That this act shall take effect and be in force from and after its passage."

GEO. P. FINLAY, Chairman.

Senator Shelley, chairman of Committee on Finance, reported as follows:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Finance, to whom was referred a resolution in relation to the mileage and pay of sergeant at arms for services rendered in procuring witnesses, have carefully considered the same, and instruct me to report it back with the accompanying amendment, and recommend that it do pass.

Amend by striking out all after the word "traveled," down to and including the word "served."

N. G. SHELLEY, Chairman.

Senator Dohoney introduced a bill to authorize the County Court of Lamar county to contract for the building of a court house and jail, and to issue and sell bonds for that purpose. Read first time and referred to Judiciary Committee No. 1.

Senator Henry introduced a bill to incorporate Tyler Chapter No. 24, Royal Arch Masons. Read first time and referred to the Committee on State Affairs.

Senator Ball introduced a bill for the relief of A. W. Shipley. Read first time and referred to the Committee on Private Land Claims.

Senator Sayers offered the following resolution:

Resolved, That the special committee of investigation into the accounts and official conduct of the Superintendent of Public Instruction, are authorized to have one hundred copies of their report and evidence printed for the use of the Senate.

Adopted.

The Senate then took from the President's desk and adopted the House concurrent resolution to appoint a special committee to take into consideration the question of a general election during the present year.

Senator Gaines moved to suspend the rules and take up House bill No. 113, "An act for the protection of landlords leasing agricultural lands." Lost.

Unfinished business of yesterday, Senate bill No. 180, "An act making an appropriation to pay the widow and

heirs of W. A. Smith, and for services rendered the State," read second time.

Senator Finlay in the chair.

Senator Pickett moved to indefinitely postpone the bill, whereupon Senator Shelley moved a call of the Senate.

The call not being sustained, the question to indefinitely postpone was submitted, and the bill indefinitely postponed by the following vote:

Yeas—Senators Avinger, Baker, Dillard, Evans, Finlay, Gaines, Henry, Rawson, Swift, Tendick and Mr. President—12.

Nays—Senators Ball, Broughton, Dohoney, Ford, Flanagan, Hall, Latimer, Ruby, Sayers, Shelley and Tracy—11.

A message was received from the House informing the Senate of the passage by the House of the following Senate bills:

Senate bill No. 178, "An act to incorporate the Texas Library and Publishing Association."

Senate bill No. 161, "An act to incorporate the Kaufman Agricultural, Mechanical and Blood Stock Association."

Senate bill No. 72, "An act for the relief of Bertha Staffel."

Also, of the passage of the following House bills:

House bill No. 381, "An act to incorporate the town of Ladonia, in Fannin county."

House bill No. 47, "An act supplemental to and amendatory of an act to incorporate the Rockport, Fulton, Laredo and Mexican Pacific Railroad Company, passed November 11, 1871."

House bill No. 662, "An act to release certain taxes to the residents of Cooke, Wise, Parker, Hood, Erath, Hamilton, Lampasas, Burnett, Blanco, Kendall, Bandera, Medina, Frio, McMullen, Duval, Starr, and all the counties lying west and southwest of the same."

House bill No. 663, "An act to provide for the protection of life and property in certain counties in this State."

The hour having arrived, the special order, viz., House bill No. 236, "An act to repeal an act to establish a State police, and provide for the regulation and government of the same, approved July 1, 1870, and to repeal an act to amend an act to establish a State police, and to provide for the regulation of the same, approved May 2, 1871," was taken up.

Senator Latimer, chairman of the Committee on Enrolled Bills, submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Enrolled Bills have examined and carefully compared Senate bill No. 194, "An act to incorporate Concrete College," and also Senate bill No. 222, "An act supplementary to an act to amend the first section of an act entitled an act for the incorporation of the city of Paris, in the county of Lamar, approved August 10, 1870, approved May 23, 1871," and find them correctly enrolled.

H. R. LATIMER, Chairman.

Senator Gaines moved to have one hundred copies of the bill (No. 236) printed, and make it a special order for 11 o'clock Saturday.

Senator Ruby moved a call of the Senate. Motion withdrawn.

A message was received from the House informing the Senate that the House had passed the following House bills:

No. 664, "An act to amend section three of an act to incorporate the Falls County Turnpike Road and Bridge Company, approved April 12, 1871."

No. 552, "An act to incorporate the Bridgeport Bridge Company, in Wise county."

No. 605, "An act to authorize Ezra Carpenter to build and keep a toll bridge on Big Cypress."

House joint resolution No. 634, "Joint resolution to authorize the Comptroller to employ two additional clerks."

And that the House had adopted the report of the conference committee on the House amendments to Senate bill No. 33, "An act amendatory of and supplemental to an act to incorporate the Sabine and Galveston Bay Railroad and Lumber Company, passed September 1, 1856, passed December 24, 1859," which act changed the name of said company to "The Texas and New Orleans Railroad Company," by which said report the House receded from its amendment.

Senator Flanagan offered the following amendment to the pending bill: "*Provided*, that an appropriation shall hereafter be made for the payment of the police force to the first of April, 1873."

The hour having arrived for considering the second special order, on motion of Senator Broughton, it was postponed until the pending business was disposed of.

Senator Dohoney offered the following as a substitute for Senator Flanagan's amendment: "Section —. The Legislature shall hereafter provide for the payment of the State policemen in the actual service of the State up to the first day of April, 1873." Lost by the following vote:

Yeas—Senators Broughton, Dohoney, Ford, Flanagan, Fountain, Hall, Ruby, Shelley and Tracy—8.

Nays—Senators Avinger, Baker, Ball, Dillard, Evans, Finlay, Gaines, Henry, Latimer, Rawson, Sayers, Swift, Word and Mr. President—14.

Senator Dohoney in the chair.

The question then recurring on the adoption of Senator Flanagan's amendment, the same was put and amendment lost by the following vote:

Yeas—Senators Baker, Ford, Flanagan, Fountain, Gaines, Hall, Ruby, Tendick and Tracy—9.

Nays—Senators Avinger, Ball, Broughton, Dillard, Dohoney, Evans, Finlay, Henry, Latimer, Rawson, Sayers, Shelley, Swift, Word and Mr. President—15.

Senator Fountain proposed to amend as follows: "Sec. 2. That this act shall take effect and be in force from and after the passage of an act appropriating a sufficient amount to pay all indebtedness now due to the State Police."

On motion of Senator Broughton, the amendment was laid on the table by the following vote:

Yeas—Senators Avinger, Ball, Broughton, Dillard, Dohoney, Evans, Finlay, Henry, Latimer, Rawson, Sayers, Shelley, Swift, Word and Mr. President—15.

Nays—Senators Baker, Ford, Flanagan, Fountain, Gaines, Hall, Ruby, Tendick and Tracy—9.

The hour having arrived for the consideration of bills of a private nature, on motion of Senator Finlay, the rule was suspended and the Senate proceeded with the pending business.

The question then being put, the bill passed to a third reading by the following vote:

Yeas—Senators Avinger, Ball, Broughton, Dohoney, Evans, Finlay, Flanagan, Henry, Latimer, Rawson, Sayers, Shelley, Swift, Word and Mr. President—15.

Nays—Senators Baker, Ford, Fountain, Gaines, Hall, Ruby and Tendick—7.

When Senator Dillard's name was called, he said that he would vote for the bill, but for the fact that he was paired off with Senator Saylor.

Senator Tracy stated that he would vote against the bill, but was paired off with Senator Pyle.

Senator Flanagan submitted the following conference report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your special committee appointed to confer with a like committee on the part of the House, to take into consideration amendments proposed by the House to Senate bill No. 33, amendatory of and supplemental to "An act amendatory of an act to incorporate the Sabine and Galveston Bay Railroad and Lumber Company, passed September 1, 1856, passed December 24, 1859, which changed the name of said company to the Texas and New Orleans Railroad Company," have had the same under consideration, and have agreed to recommend that the House recede from its amendment. Your committee have agreed to recommend the following amendments:

Amend section two, in line fifteen, after the word "company," insert "running from New Orleans, Louisiana, to the Texas line."

Add to section four the following: "Said company shall have no power to sell or lease to, or consolidate with, any competing, converging or parallel road in this State, and a violation of this provision shall work a forfeiture of its charter."

WEBSTER FLANAGAN,
For Senate Committee.
JOHN HENRY BROWN,
For House Committee.

Report adopted.

Senator Dillard, by leave, introduced a bill empowering the Police Court of Cherokee county to levy and collect a special tax for the purpose of discharging the present liabilities of said county. Read first time and referred to Committee on Finance.

Senator Hall, by leave, introduced "An act to amend an act to incorporate the Calvert and Belton Railroad Company, and to aid in the construction thereof." Read first time and referred to Committee on Internal Improvements.

Senator Latimer, chairman of Committee on Enrolled Bills, reported as follows:

Hon. E. B. Pickett, President of the Senate:

SIR: I beg leave to report that I did this day at eleven o'clock present to his Excellency the Governor, for his approval and signature, Senate bill No. 194, "An act to incorporate Concrete College," and also Senate bill No. 222, "An act supplementary to an act to amend the first section of an act entitled an act for the incorporation of the city of Paris, in the county of Lamar, approved August 10, 1870, approved May 23, 1871."

H. R. LATIMER, Chairman.

Senator Ball moved to adjourn until 10 o'clock A. M. to-morrow.

The yeas and nays being called the Senate refused to adjourn by the following vote:

Yeas—Senators Baker, Ball, Broughton, Dillard, Dohoney, Evans, Hall, Rawson and Mr. President—9.

Nays—Senators Avinger, Ford, Finlay, Flanagan, Fountain, Gaines, Henry, Latimer, Ruby, Shelley, Swift, Tendick, Tracy and Word—14.

Senator Swift called up Senate bill No. 163, "An act for the relief of Wm. Wallace." Read second time and ordered engrossed; rules suspended, bill read third time and referred to Committee on Finance.

Senator Broughton moved to adjourn till 10 o'clock A. M. to-morrow.

The motion was lost by the following vote:

Yeas—Senators Baker, Ball, Broughton, Dillard, Dohoney, Evans, Ford, Tracy—8.

Nays—Senators Avinger, Finlay, Flanagan, Fountain, Gaines, Henry, Latimer, Ruby, Shelley, Swift, Tendick, Word and Mr. President—13.

Senator Broughton moved to adjourn until 9½ o'clock A. M. to-morrow.

The motion was lost by the following vote:

Yeas—Senators Baker, Ball, Broughton, Dillard, Dohoney, Evans, Ford, Gaines, Hall and Tracy—10.

Nays—Avinger, Finlay, Flanagan, Fountain, Henry, Latimer, Ruby, Shelley, Swift, Tendick, Word and Mr. President—12.

Senator Latimer moved to adjourn till 10 o'clock A. M. to-morrow, which was lost by the following vote:

Yeas—Senators Baker, Ball, Dohoney, Ford, and Swift—5.

Nays—Senators Avinger, Broughton, Dillard, Evans,

Finlay, Flanagan, Fountain, Hall, Henry, Latimer, Ruby, Shelley, Tendick, Tracy, Word and Mr. President—16.

Senator Tendick called up House bill No. 384, "An act to levy and collect a special tax in Lavaca county to build a court house in said county," with report from Committee on Finance recommending amendments. Amendments adopted and bill passed to a third reading.

On motion of Senator Tracy, a call of the Senate was ordered.

Absent—Senators King, Pyle, Rawson, Randle and Sayers.

On motion of Senator Broughton, Senator King was excused on account of sickness.

The call was then suspended, the bill read third time and passed.

Senator Tracy called up Senate bill No. 78, "An act for the removal of the county seat of Montgomery county from the town of Montgomery, and for its permanent location at Willis," with a report from the Committee on Counties and County Boundaries, recommending a substitute for the bill. Substitute adopted and bill read second time.

Senator Broughton moved to adjourn untill 10 o'clock A. M. to-morrow. Lost by the following vote:

Yeas—Senators Baker, Ball, Broughton, Dillard, Evans, Gaines, Latimer and Mr. President—8.

Nays—Senators Avinger, Dohoney, Ford, Finlay, Flanagan, Fountain, Hall, Henry, Ruby, Shelley, Swift, Tendick, Tracy and Word—14.

Senator Finlay offered the following amendment, to be added to section two: "*Provided*, that it shall require a majority of all the votes cast to remove the county seat from its present location." Adopted.

Senator Pickett moved to make the bill special order for to-morrow at 11 o'clock A. M.

On motion of Senator Ruby a call of the Senate was ordered.

Absent—Senators Flanagan, Gaines, Pyle, Rawson, Randle and Sayers.

On motion of Senator Word, the Senate adjourned to 10 o'clock A. M. to-morrow, by the following vote:

Yeas—Senators Baker, Dillard, Dohoney, Evans, Ford, Henry, Latimer, Word and Mr. President—9.

Nay—Senators Avinger, Ball, Finlay, Fountain, Hall, Ruby, Shelley, Swift and Tendick—9.